

Message Text

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C O N F I D E N T I A L BUCHAREST 2802

E.O. 11652: GDS
TAGS: CPRS, RO
SUBJ: ORGHIDAN COLLECTION - TUDOR CLAIM
REF: STATE 89739

1. CHARGE SIMONS AND ECONOMIC COUNSELOR SANDERS CALLED ON PACOSTE, DEPUTY MINISTER OF FOREIGN AFFAIRS IN CHARGE OF CONSULAR MATTERS, APRIL 11 TO DISCUSS ISSUE OF ORGHIDAN COLLECTION AND TUDOR'S CLAIM. SIMONS REVIEWED HISTORY OF REPRESENTATIONS MADE BY USG AND EMBASSY SINCE 1975 AND EXPRESSED PUZZLEMENT AT LACK OF GOR RESPONSE TO DATE. MERRIGAN'S INVOLVEMENT AND THE POTENTIAL REPERCUSSIONS AND CONSEQUENCES IN CONGRESS OF CONTINUED ROMANIAN INACTION WERE EXPLAINED.

2. PACOSTE'S INITIAL REACTION INDICATED A LACK OF UNDERSTANDING OF FOCUS OF USG INTEREST IN CASE. IT WAS EXPLAINED THAT EMBASSY AND DEPARTMENT'S INTEREST AT THIS TIME IS IN RECEIVING ANSWER TO QUESTIONS POSED ORALLY AND BY NOTE ON SEVERAL OCCASIONS IN THE PAST CONCERNING MEANS AND DATE OF TAKING OF COLLECTION BY GOR. WE POINTED OUT THAT IF THESE EVENTS OCCURRED BEFORE MR. TUDOR BECAME A NATIONAL OF THE U.S. ON DECEMBER 23, 1974, THE USG COULD NOT PROPERLY ESPOUSE A FORMAL DIPLOMATIC CLAIM. PACOSTE, UNDERSTANDING THE REASON AND MOTIVE OF OUR REPEATED REPRESENTATIONS, RELAXED AND BECAME MORE REASONABLE. HE SAID THAT THE COLLECTION HAD NOT BEEN
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NATIONALIZED, BUT HAD PASSED TO THE ROMANIAN ACADEMY UNDER THE TERMS OF CONSTANTIN ORGHIDAN'S WILL. THE "TAKING" OF THE COLLECTION OCCURRED IN 1944. SUBSEQUENTLY, THERE HAVE BEEN LEGAL PROCEEDINGS AND FINDINGS IN ROMANIAN COURTS, INVOLVING EXCLUSIVELY ROMANIAN CITIZENS. THESE COURT FINDINGS CONFIRM THE LEGALITY OF ORGHIDAN'S WILL AND OF DISPOSITION OF COLLECTION IN QUESTION. WE REITERATED

THE REQUEST FOR WRITTEN CONFIRMATION OF THE METHOD OF TAKING OF THE COLLECTION, THE DATE OF THE TAKING AND AN INDICATION OF THE DATE OF THE ROMANIAN COURT ACTION. HE INDICATED HIS DESIRE TO COOPERATE WITH US IN PROVIDING THIS INFORMATION IN WRITTEN FORM AND SUGGESTED THAT THE EMBASSY REQUEST SUCH INFORMATION IN A NOTE VERBALE. HE SAID THAT THE GOR WOULD RESPOND WITH A NOTE VERBALE CONTAINING THE DESIRED INFORMATION. FINALLY, HE INDICATED THAT BADESCU, DIRECTOR OF THE CONSULAR DIRECTORATE, WOULD BE ACTION OFFICER AND SUGGESTED THAT WE CONTACT HIM AND MAKE ARRANGEMENTS FOR EXCHANGE OF THE NOTES VERBALES.

3. APPOINTMENT WITH BADESCU WAS ARRANGED FOR APRIL 26. BADESCU AGREED TO THE EXCHANGE OF NOTES VERBALES. IN A PROLONGED DISCUSSION REGARDING THE MERITS OF THE CASE, SIMONS ONCE AGAIN EXPLAINED THE NATURE OF OUR CONCERN AND REQUEST. BADESCU MADE A COUPLE OF POINTS OF INTEREST: (1) THE "TAKING" OF THE COLLECTION OCCURRED IN 1944; (2) THE COURT HEARINGS, REFERRED TO BY PACOSTE, AND FINDINGS DATE FROM 1967, SOME SEVEN YEARS BEFORE MR. TUDOR'S NATURALIZATION; (3) THE 1967 COURT FINDINGS WERE NEVER APPEALED BY MR. TUDOR OR ANYONE ELSE; (4) GOR WOULD RESPOND TO OUR NOTE VERBALE, GIVING DATES OF "TAKING" AND OF COURT PROCEEDINGS; AND (5) OTHER INFORMATION IS AVAILABLE THROUGH THE GOR'S AMERICAN LAWYERS. THE GOR WOULD BE UNWILLING TO RELEASE INFORMATION TO CONFIDENTIAL

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OTHERS IF SUCH INFORMATION WAS OF A NATURE WHICH WOULD CONSTITUTE EVIDENCE IN ANY PENDING OR FUTURE CASE TAKEN INTO U.S. COURTS. WE REASSURED HIM ON THIS LAST POINT THAT THE DEPARTMENT WAS NOT SEEKING INFORMATION TO JUSTIFY MR. TUDOR'S CLAIM, BUT RATHER ONLY INFORMATION NECESSARY TO DETERMINE WHETHER OR NOT HE HAS A CLAIM AS AN AMERICAN NATIONAL.

4. IT WAS AGREED THAT THE EMBASSY WOULD SEND A NOTE VERBALE ON THE ISSUE. EMBASSY INTENDS TO DISPATCH NOTE VERBALE APRIL 27.

5. COMMENT. EMBASSY HESITATES, GIVEN BACKGROUND OF THIS CASE, TO PREDICT THAT THE REPRESENTATIONS HERE AND THE EXCHANGE OF NOTES VERBALES PROPOSED BY ROMANIANS WILL IN FACT GIVE RISE TO INFORMATION WHICH WILL SATISFY DEPARTMENT'S NEEDS. NONETHELESS, WE FEEL THE EFFORT IS WORTHWHILE AND THAT VIEWS AND COMMENTS EXPRESSED BY PACOSTE AND BADESCU REPRESENT SOME PROGRESS. PERHAPS IN THE WAKE OF THE CEAUSESCU STATE VISIT, AND TAKING ADVANTAGE OF THE WIDESPREAD GOOD FEELING ABOUT THE OUTCOME OF THAT VISIT HERE, WE

CAN ARRANGE AN EXCHANGE OF INFORMATION WHICH WILL
SATISFY PRESENT REQUIREMENTS. END COMMENT.
AGGREY

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